

ANTHONY P. CAPOZZI, CSBN: 068525
THE LAW OFFICE OF ANTHONY P. CAPOZZI
1233 West Shaw Avenue, Suite 102
Fresno, California 93711
Telephone: (559) 221-0200
Facsimile: (559) 221-7997
E-Mail: Anthony@capozzilawoffices.com
www.capozzilawoffices.com

Attorney for Defendant,
LUIS MAURICIO CASTENON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA.)	CASE NO.: 1:22-CR-00309-ADA-BAM
)	
Plaintiff,)	STIPULATION REGARDING
)	EXCLUDABLE TIME PERIODS UNDER
v.)	SPEEDY TRIAL ACT; ORDER
)	
LUIS MAURICIO CASTENON,)	Date: August 9, 2023
)	Time: 1:0 pm
Defendant.)	Hon. Barbara A. McAuliffe
)	

STIPULATION

The United States, by and through Assistant United States Attorney, Kimberly Sanchez and the Defendant, Luis M. Castenon, by and through his Attorney, Anthony P. Capozzi, hereby stipulate as follows:

1. By previous order this matter was set for status on August 9, 2023.
2. By this Stipulation, defendant moves to continue the status conference until October 11, 2023, and to exclude time between August 9, 2023, and October 11, 2023, inclusive, under Local Code T4.
3. The parties agree and stipulate and request that the Court find the following:
 - a) Attorney Anthony P. Capozzi was appointed to represent Luis M. Castenon on May 13, 2023.

- 1 b) The discovery was received on June 11, 2023.¹
- 2 c) Defense counsel has not had the opportunity to review the discovery due to jury trial
- 3 schedule.
- 4 d) Counsel for the defense needs additional time to review the discovery and consult
- 5 with his client.
- 6 e) Counsel for the defendant believes that failure to grant the above, requested
- 7 continuance would deny him the reasonable time necessary for the effective
- 8 preparation of the defense.
- 9 f) The Government does not object to the continuance.
- 10 g) Based on the above-stated findings, the ends of justice served by the continuing the
- 11 case as requested outweigh the interest of the public and the defendant in a trial
- 12 within the original date prescribed by the Speedy Trial Act.
- 13 h) For the purpose of completing time under the Speedy Trial Act, 18 U.C.S. § 3161, et
- 14 seq., within which trial must commence, the time period of August 9, 2023, to
- 15 October 11, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161
- 16 (h)(7)(A), B(i), B(ii), and B(iv) [Local Code T4] because the case is so unusual or so
- 17 complex of the nature of the prosecution, or the existence of novel questions of fact or
- 18 law, that it is unreasonable to expect adequate preparation for pretrial proceedings or
- 19 for the trial itself within the time eliminates established by the section. This
- 20 stipulation also results from a continuance granted by the Court at defendant's request
- 21 on the basis of the Court's finding that the ends of justice served by taking such
- 22 action outweigh the best interest of the public and the defendant in a speedy trial.
- 23 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
- 24 Speedy Trial Act dictated that additional time periods are excludable from the period
- 25 within which a trial must commence.
- 26
- 27
- 28

1. Discovery was provided to prior counsel, however due to a protective order did not feel comfortable with forwarding the discovery to new counsel.

1 IT IS SO STIPULATED.

2
3
4 Dated: July 31, 2023,

By: /s/ Anthony P. Capozzi

ANTHONY P. CAPOZZI, Attorney for
LUIS MAURICIO CANTENON

5
6
7 Dated: July 31, 2023,

By: /s/ Kimberly A. Sanchez

KIMBERLY A. SANCHEZ, Assistant United
States Attorney

8
9
10
11 **ORDER**

12 IT IS SO ORDERED that the status conference is continued from August 9, 2023, to
13 **October 11, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is
14 excluded pursuant to 18 U.S.C. § 3161 (h)(7)(A), B(i), B(ii), and B(iv).

15 IT IS SO ORDERED.

16 Dated: **August 3, 2023**

/s/ *Barbara A. McAuliffe*

UNITED STATES MAGISTRATE JUDGE